

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

**THOMAS STEVEN FLAHERTY
ADC #115819**

PLAINTIFF

v. **CASE NO. 2:12CV00103 BSM**

**AVERY G. COX, Corporal,
East Arkansas Regional Unit, ADC**

DEFENDANT

ORDER

The proposed findings and recommended partial disposition submitted by United States Magistrate Judge J. Thomas Ray and the filed objections have been reviewed. After carefully considering these documents and making a *de novo* review of the record in this case, it is concluded that the proposed findings and recommended partial disposition should be, and hereby are, approved and adopted in their entirety in all respects.

IT IS THEREFORE ORDERED that:

1. Plaintiff's excessive force claim is DISMISSED WITH PREJUDICE.
2. It is further certified, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal from this order and the accompanying judgment would not be taken in good faith.

Dated this 12th day of September 2013.

Brian S. Miller
UNITED STATES DISTRICT JUDGE

